IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 18 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
BHURIBEN WD/O.VIRSING K VASAVA & 5 - Defendant(s)

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Appearance :
MS RUPAL PATELfor Appellant(s) : 1,
None for Defendant(s) : 1 - 5.
NOTICE SERVED for Defendant(s) : 6,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 21/08/2007

ORAL JUDGMENT

Ms. Rupal Patel, learned counsel for the appellant; none for the respondents though served.

2. The appellant-Gujarat State Road Transport Corporation [GSRTC], being aggrieved by the judgment and award dated 20th June, 1988 passed by the Motor Accidents Claims Tribunal [Main], Bharuch, in Motor Accident Claim Petition No. 644 of 1985, is before this Court with a submission that the Tribunal was unjustified in making award in the sum of Rs. 1,63,000/- in favour of the respondents-claimants.

3. The appellants have confined valuation of the appeal to the extent of Rs. 60,000/- which would mean that to the extent of Rs. 1,03,000/-, they are not challenging their liability. When the entire award is not under challenge, then, the appellant cannot be allowed to raise a question of negligence, liability etc. Under the circumstances, this Court is not required to burden its judgment by detailing the facts which led to the accident and filing of the petition.

4. After taking me through the evidence, it was contended by Ms. Patel that the Tribunal was unjustified in holding monthly income of Rs. 1200/-, specially when the deceased was a cart-

puller.

5. In para-25 of the judgment, the learned Tribunal has held that the cart-puller could earn a sum of Rs. 1200/- per month. Contrary to the evidence brought on the records from the side of the claimants, the present appellant/non-applicant did not lead any evidence. In absence of any evidence which could controvert the statements made by the claimant, in the opinion of this Court, the Tribunal was not unjustified in holding that the deceased was earning a sum of Rs. 1200/- per month out of which he was spending a sum of Rs.800/- per month on the family. It is also to be noted that as many as five persons were depending upon the earning of the deceased and if sum of Rs. 160/- is awarded to each, it cannot be said to be excessive. Looking to the age of the deceased, the Tribunal was also not unjustified in applying the multiplier of 15.

6. I find no reason to interfere. The appeal deserves to and is accordingly dismissed. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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